

09226/66446-RER

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

NATIONAL BOARD OF MEDICAL
EXAMINERS *et al.*,

Plaintiffs,

v.

OPTIMA UNIVERSITY LLC *et al.*,

Defendants.

Civil Action No. 09-1043-JDB

EMERGENCY MOTION FOR ORDER FOR
U.S. MARSHALL TO ATTEND SECOND SITE INSPECTION

Come now the Plaintiffs, by and through counsel, and respectfully request that this Court enter an Order for the attendance of a U.S. Marshall at the second attempted site inspection in this matter in furtherance of the Order on Plaintiff's motion for impoundment of materials at issue in this matter, which was entered by this Court on February 23, 2009. In support of this motion, the Plaintiffs would state as follows:

1. On February 23, 2009, this Court entered an Order requiring the Defendants to cooperate with the U.S. Marshall's Office and the Plaintiffs in the impoundment of materials at issue in this matter (hereinafter "**Order**").
2. On February 24, 2009, pursuant to said Order, the U.S. Marshall's Office and the Plaintiffs (through counsel) attempted to carry out the authorized impoundment.
3. As set forth in Plaintiff's Status Report and Emergency Motion for an Order Requiring Defendants to Show Cause Why They Should not be Held in Contempt for Violating

the Court's TRO and Impoundment Order, the efforts of the U.S. Marshall's Office and the Plaintiffs were compromised and thwarted by the Defendants.

4. As a result, this Court has set a Show Cause hearing on this matter for this Friday, March 27, 2009.

5. At this time, the Plaintiffs, with the consent of the Defendants, are planning to conduct a second site inspection in furtherance of the Order identified above.

6. However, the Plaintiffs believe that attendance of a U.S. Marshall is needed for this inspection, as initially required by the Order in question.

7. The Plaintiffs are advised by the U.S. Marshall's Office that an Order from this Court is required to secure the attendance of a U.S. Marshall for the second attempted site inspection in question.

8. Therefore, the Plaintiffs respectfully request that this Court enter an Order for the attendance of a U.S. Marshall at the site inspection at the Defendants' location on **March 26, 2009, at 10:00 a.m.**

9. The Plaintiffs would state that they believe this request will further the efforts of the Plaintiffs in carrying out the items included in the Order in question, and will assist the Court in the Show Cause hearing on March 27, 2009.

This the 25th day of March, 2009.

Respectfully Submitted,

s/ Russell E. Reviere
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Counsel for Plaintiffs National Board of Medical
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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon the following via U.S. Mail postage prepaid:

Optima University, LLC
1774 Highway 22
McKenzie, Tennessee 38201

Eihab Mohammed Suliman
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McKenzie, Tennessee 38201

In addition, a courtesy copy has been emailed to Defendants' Counsel, Jim Bradberry, at jbradberryesq@citlink.net.

This the 25th day of March, 2009.

s/ Russell E. Reviere